



15 MAY 2008

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In re Application of	:	
NIELSEN, Ian Bradley	:	
U.S. Application No. 10/572,822	:	
PCT No.: PCT/AU04/01282	:	
Int. Filing Date: 21 September 2004	:	
Priority Date: 22 September 2003	:	DECISION ON PETITION
Attorney Docket No.: 5822	:	(37 CFR 1.182)
For: METHOD AND APPARATUS FOR	:	
COLLECTING AND/OR SEPARATING	:	
SOLIDS FROM LIQUIDS	:	

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 22 May 2007. Deposit Account No. 19-2110 will be charged the required \$400 petition fee.

BACKGROUND

On 22 March 2006, applicant filed a Transmittal Letter for entry into the national stage in the United States which identified the international application as PCT/AU04/28069. Accompanying the transmittal letter, applicant included: an authorization to charge the deposit account \$450; a preliminary amendment; and an Application Data Sheet (ADS). All papers identified the international application as PCT/AU04/28069.

On 22 May 2007, applicant filed the "Petition Under 37 CFR 1.182" which seeks to correct the international application number on the national stage application papers filed 22 March 2006 so as to allow such materials to be treated as the U.S. national stage of PCT/AU04/01282.

DISCUSSION

A review of the international publication for PCT/AU04/01282 reveals that this is the international application corresponding to the application submitted here. However, the initial Transmittal Letter submitted by applicant misidentified the international application number as PCT/AU04/28069. Based on applicant's error, a national stage application file was created for PCT/AU04/28069, rather than for PCT/AU04/01282.

On 21 September 2004, applicant filed international application PCT/AU04/01282 which claimed a priority date of 22 September 2003 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 31 March 2005. Pursuant to 37 CFR 1.495, the deadline for entry into the national stage in the United States expired 30 months from the priority date, on 22 March 2006.

Further review of the application papers originally filed on 22 March 2006 reveals that none of the originally filed papers identified PCT/AU04/01282. As such, none could be used to identify the correct international application. Therefore, the basic national fee could not have been associated with the correct international application PCT/AU04/01282 as of 22 March 2006, and thus, the application is **ABANDONED** for failure to timely pay the basic national fee.

In order to continue processing of the national stage application for PCT/AU04/01282, applicant must submit a petition to the Commissioner under 37 CFR 1.137(a) or (b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(a) and/or a petition under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in 37 CFR 1.137. Additionally, a Transmittal Letter (Form PTO-1390) which identifies the international application as PCT/AU04/01282 must be filed with the Petition to Revive.

CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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